

105TH CONGRESS
1ST SESSION

S. 1473

To encourage the development of a commercial space industry in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 1997

Mr. GRAHAM (for himself and Mr. MACK) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To encourage the development of a commercial space industry in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Commercial Space Act of 1997”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

Sec. 101. Commercialization of space station.

Sec. 102. Commercial space launch amendments.
 Sec. 103. Launch voucher demonstration program.
 Sec. 104. Promotion of United States Global Positioning System standards.
 Sec. 105. Acquisition of space science data.
 Sec. 106. Acquisition of earth science data.

TITLE II—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

Sec. 201. Requirement to procure commercial space transportation services.
 Sec. 202. Acquisition of space transportation services.
 Sec. 203. Launch Services Purchase Act of 1990 amendments.
 Sec. 204. Use of excess intercontinental ballistic missiles.
 Sec. 205. National launch capability.
 Sec. 206. Administration of Commercial Space Centers.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
 4 trator” means the Administrator of the National
 5 Aeronautics and Space Administration;

6 (2) COMMERCIAL PROVIDER.—The term “com-
 7 mercial provider” means any person providing space
 8 transportation services or other space-related activi-
 9 ties, the primary control of which is held by a person
 10 other than the Federal Government, a State or local
 11 government, or a foreign government.

12 (3) PAYLOAD.—

13 (A) IN GENERAL.—The term “payload”
 14 means anything that a person undertakes to
 15 transport to, from, or within outer space, or in
 16 suborbital trajectory, by means of a space
 17 transportation vehicle.

1 (B) EXCEPTION.—The term does not in-
2 clude a space transportation vehicle (other than
3 any component of a space transportation vehicle
4 that is specifically designed or adapted for a
5 payload).

6 (4) SPACE-RELATED ACTIVITIES.—The term
7 “space-related activities” includes research and de-
8 velopment, manufacturing, processing, service, and
9 other associated and support activities.

10 (5) SPACE TRANSPORTATION SERVICES.—The
11 term “space transportation services” means the
12 preparation of a space transportation vehicle and
13 its—

14 (A) payloads for transportation to, from,
15 or within outer space, or in suborbital trajec-
16 tory; and

17 (B) the conduct of transporting a payload
18 to, from, or within outer space, or in suborbital
19 trajectory.

20 (6) SPACE TRANSPORTATION VEHICLE.—the
21 term “space transportation vehicle” means any vehi-
22 cle constructed for the purpose of operating in, or
23 transporting a payload to, from, or within, outer
24 space, or in suborbital trajectory, and includes any

1 component of such vehicle not specifically designed
2 or adapted for a payload.

3 (7) STATE.—The term “State” means each of
4 the several States of the Union, the District of Co-
5 lumbia, the Commonwealth of Puerto Rico, the Vir-
6 gin Islands, Guam, American Samoa, the Common-
7 wealth of the Northern Mariana Islands, and any
8 other commonwealth, territory, or possession of the
9 United States.

10 (8) UNITED STATES COMMERCIAL PROVIDER.—
11 The term “United States commercial provider”
12 means a commercial provider, organized under the
13 laws of the United States or of a State, that is—

14 (A) more than 50 percent owned by United
15 States nationals; or

16 (B) a subsidiary of a foreign company with
17 respect to which the Secretary of Transpor-
18 tation finds that—

19 (i) that subsidiary has evidenced a
20 substantial commitment to the United
21 States market through—

22 (I) investments in the United
23 States in long-term research, develop-
24 ment, and manufacturing (including

1 the manufacture of major components
2 and subassemblies); and

3 (II) significant contributions to
4 employment in the United States; and

5 (ii) each country in which that foreign
6 company is incorporated or organized, and,
7 if appropriate, in which the foreign com-
8 pany principally conducts its business, af-
9 fords reciprocal treatment to companies
10 described in subparagraph (A) comparable
11 to that afforded to a subsidiary of that for-
12 eign company in the United States, as evi-
13 denced by—

14 (I) providing comparable oppor-
15 tunities for companies described in
16 subparagraph (A) to participate in
17 Government-sponsored research and
18 development activities similar to the
19 research and development activity au-
20 thorized under this Act;

21 (II) providing no barriers, to
22 companies described in subparagraph
23 (A) with respect to local investment
24 opportunities, that are not provided to

1 foreign companies in the United
2 States; and

3 (III) providing adequate and ef-
4 fective protection for the intellectual
5 property rights of companies de-
6 scribed in subparagraph (A).

7 **TITLE I—PROMOTION OF COM-**
8 **MERCIAL SPACE OPPORTUNI-**
9 **TIES**

10 **SEC. 101. COMMERCIALIZATION OF SPACE STATION.**

11 (a) POLICY.—Congress declares that—

12 (1) a priority goal of constructing the Inter-
13 national Space Station is the economic development
14 of Earth orbital space;

15 (2) free and competitive markets create the
16 most efficient conditions for promoting economic de-
17 velopment, and should therefore govern the economic
18 development of Earth orbital space; and

19 (3) the use of free market principles in operat-
20 ing, servicing, allocating the use of, and adding ca-
21 pabilities to the Space Station, and the resulting
22 fullest possible engagement of commercial providers
23 and participation of commercial users, will reduce
24 the operational costs of the International Space Sta-
25 tion for all partners and the share of the Federal

1 Government with respect to the United States bur-
2 den to fund operations.

3 (b) REPORTS.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Adminis-
6 trator shall prepare and submit to the Committee on
7 Science of the House of Representatives and the
8 Committee on Commerce, Science, and Transpor-
9 tation of the Senate, a report or study conducted
10 under this subsection.

11 (2) CONTENTS OF STUDY.—The study con-
12 ducted under this subsection shall identify and
13 examine—

14 (A) the opportunities for commercial pro-
15 viders to play a role in International Space Sta-
16 tion activities, including operation, use, servic-
17 ing, and augmentation;

18 (B) the potential cost savings to be derived
19 from commercial providers playing a role in
20 each of the activities referred to in subpara-
21 graph (A);

22 (C) which of the opportunities described in
23 subparagraph (A) the Administrator plans to
24 make available to commercial providers in fiscal
25 years 1998 and 1999;

1 (D) the specific policies and initiatives that
 2 the Administrator is advancing to encourage
 3 and facilitate the commercial opportunities re-
 4 ferred to in subparagraph (A); and

5 (E) the revenues and cost reimbursements
 6 to the Federal Government from commercial
 7 users of the International Space Station.

8 (3) INDEPENDENTLY CONDUCTED MARKET
 9 STUDY.—Not later than 180 days after the date of
 10 enactment of this Act, the Administrator shall—

11 (A) provide for an independently conducted
 12 market study that—

13 (i) examines and evaluates potential
 14 industry interest in—

15 (I) providing commercial goods
 16 and services for the operation, servic-
 17 ing, and augmentation of the Inter-
 18 national Space Station; and

19 (II) the commercial use of the
 20 International Space Station; and

21 (ii) includes updates to the cost sav-
 22 ings and revenue estimates made in the
 23 study described in paragraph (1), based on
 24 the external market assessment; and

1 (B) submit a report on the findings of the
2 study to the Committee on Science of the
3 House of Representatives and the Committee
4 on Commerce, Science, and Transportation of
5 the Senate.

6 (4) REPORT ON SOLICITATIONS.—

7 (A) IN GENERAL.—Not later than the date
8 on which the President submits an annual
9 budget request for fiscal year 1999 pursuant to
10 section 1105(a) of title 31, United States Code,
11 the Administrator shall prepare and submit to
12 Congress a report that provides the number of
13 proposals (including solicited and unsolicited
14 proposals) that were received by the Adminis-
15 trator during calendar year 1997 regarding—

16 (i) commercial operation;

17 (ii) servicing;

18 (iii) utilization; or

19 (iv) augmentation of the International
20 Space Station.

21 (B) CONTENTS OF REPORT.—The report
22 under subparagraph (A) shall specify, for each
23 of the categories described in clauses (i)
24 through (iv) of that subparagraph—

- 1 (i) the number of proposals received
 2 by the Administrator during the period
 3 specified in subparagraph (A); and
 4 (ii) the number of agreements that
 5 the Administrator entered into in response
 6 to the proposals.

7 **SEC. 102. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

8 (a) AMENDMENTS.—Chapter 701 of title 49, United
 9 States Code, is amended—

10 (1) in the table of sections—

11 (A) by amending the item relating to sec-
 12 tion 70104 to read as follows:

“70104. Restrictions on launches, operations, and reentries.”;

13 (B) by amending the item relating to sec-
 14 tion 70108 to read as follows:

“70108. Prohibition, suspension, and end of launches, operation of launch sites
 and reentry sites, and reentries.”;

15 (C) by amending the item relating to sec-
 16 tion 70109 to read as follows:

“70109. Preemption of scheduled launches or reentries.”;

17 and

18 (D) by adding at the end the following new
 19 items:

“70120. Regulations.

“70121. Report to Congress.”.

20 (2) in section 70101—

21 (A) in subsection (a)—

1 (i) in paragraph (3), by inserting
 2 “microgravity research,” after “informa-
 3 tion services,”;

4 (ii) in paragraph (4), by inserting “,
 5 reentry,” after “launching” both places it
 6 appears;

7 (iii) in paragraph (5), by inserting “,
 8 reentry vehicles,” after “launch vehicles”;

9 (iv) in paragraph (6), by inserting
 10 “and reentry services” after “launch
 11 services”;

12 (v) in paragraph (7), by inserting “,
 13 reentries,” after “launches” both places it
 14 appears;

15 (vi) in paragraph (8)—

16 (I) by inserting “, reentry sites,”
 17 after “launch sites”; and

18 (II) by inserting “and reentry
 19 services” after “launch services”; and

20 (vii) in paragraph (9)—

21 (I) by inserting “reentry sites,”
 22 after “launch sites”; and

23 (II) by inserting “and reentry
 24 site” after “launch site”; and

25 (B) in subsection (b)—

1 (i) in paragraph (2)—

2 (I) in the matter preceding sub-
3 paragraph (A), by inserting “, reentry
4 vehicles,” after “launch vehicles”; and

5 (II) in subparagraph (A), by
6 striking “launch”;

7 (ii) in paragraph (3)—

8 (I) by inserting “and reentry”
9 after “commercial launch”; and

10 (II) by striking “launch” after
11 “and transfer commercial”; and

12 (iii) in paragraph (4), by inserting
13 “and development of reentry sites,” after
14 “launch-site support facilities,”;

15 (3) in section 70102—

16 (A) in paragraph (3), by striking “and any
17 payload” and inserting “or reentry vehicle and
18 any payload from Earth”;

19 (B) in paragraph (5)—

20 (i) by redesignating subparagraphs
21 (A) and (B) as subparagraphs (B) and
22 (C), respectively; and

23 (ii) by inserting before subparagraph
24 (B), as so redesignated by clause (i) of this

1 subparagraph, the following new subpara-
2 graph:

3 “(A) activities directly related to the prep-
4 aration of a launch site or payload facility for
5 one or more launches;”;

6 (C) in paragraph (8), by inserting “or re-
7 entry vehicle” after “means of a launch
8 vehicle”;

9 (D) by redesignating paragraphs (10)
10 through (12) as paragraphs (14) through (16),
11 respectively;

12 (E) by inserting after paragraph (9) the
13 following:

14 “(10) ‘reenter’ and ‘reentry’ mean to return or
15 attempt to return, purposefully, a reentry vehicle
16 and its payload, if any, from Earth orbit or from
17 outer space to Earth.

18 “(11) ‘reentry services’ means—

19 “(A) activities involved in the preparation
20 of a reentry vehicle and its payload, if any, for
21 reentry; and

22 “(B) the conduct of a reentry.

23 “(12) ‘reentry site’ means the location on Earth
24 to which a reentry vehicle is intended to return (as

1 defined in a license the Secretary issues or transfers
 2 under this chapter);

3 “(13) ‘reentry vehicle’ means a vehicle designed
 4 to return from Earth orbit or outer space to Earth,
 5 or a reusable launch vehicle designed to return from
 6 outer space substantially intact;” and

7 (F) in paragraph (15), as redesignated by
 8 subparagraph (C) of this paragraph, by insert-
 9 ing “or reentry services” after “launch serv-
 10 ices” each place it appears;

11 (4) in section 70103(b)—

12 (A) in the subsection heading, by inserting
 13 “AND REENTRIES” after “LAUNCHES”;

14 (B) in paragraph (1), by inserting “and re-
 15 entries” after “space launches”; and

16 (C) in paragraph (2), by inserting “and re-
 17 entry” after “space launch”;

18 (5) in section 70104—

19 (A) by amending the section designation
 20 and heading to read as follows:

21 **“§ 70104. Restrictions on launches, operations, and**
 22 **reentries”;**

23 (B) in subsection (a)—

1 (i) by inserting “or reentry site, or to
 2 reenter a reentry vehicle,” after “operate a
 3 launch site” each place it appears; and

4 (ii) in paragraphs (3) and (4), by in-
 5 serting “or reentry” after “launch or oper-
 6 ation” each place it appears;

7 (C) in subsection (b)—

8 (i) by striking “launch license” and
 9 inserting “license”;

10 (ii) by inserting “or reenter” after
 11 “may launch”; and

12 (iii) by inserting “or reentering” after
 13 “related to launching”; and

14 (D) in subsection (c)—

15 (i) by amending the subsection head-
 16 ing to read as follows: “PREVENTING
 17 LAUNCHES AND REENTRIES.—”;

18 (ii) by inserting “or reentry” after
 19 “prevent the launch”; and

20 (iii) by inserting “or reentry” after
 21 “decides the launch”;

22 (6) in section 70105—

23 (A) in subsection (a)—

24 (i) by inserting “(1)” before “A per-
 25 son may apply”;

(ii) by striking “receiving an application” both places it appears and inserting “accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)”;

(iii) by adding at the end the following: “The Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued by the date specified in this subsection.

“(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of launch vehicles, reentry vehicles, safety systems, procedures, services, or personnel that may be used in conducting licensed commercial space launch or reentry activities.”; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting “or a reentry site, or the reentry of a reentry vehicle,” after “operation of a launch site”;

(ii) in paragraph (2)—

1 (I) in subparagraph (A)—

2 (aa) by striking “or oper-
3 ation” and inserting “, operation,
4 or reentry”; and

5 (bb) by striking “and” at
6 the end;

7 (II) in subparagraph (B), by
8 striking the period at the end; and

9 (III) by adding at the end the
10 following:

11 “(D) regulations establishing criteria for ac-
12 cepting or rejecting an application for a license
13 under this chapter within 60 days after receipt of
14 such application.”; and

15 (iii) in paragraph (3), by inserting “,
16 including the requirement to obtain a li-
17 cense,” after “waive a requirement”;

18 (7) in section 70106(a)—

19 (A) by inserting “or reentry site” after
20 “observer at a launch site”;

21 (B) by inserting “or reentry vehicle” after
22 “assemble a launch vehicle”; and

23 (C) by inserting “or reentry vehicle” after
24 “with a launch vehicle”;

25 (8) in section 70108—

1 (A) by amending the section designation
 2 and heading to read as follows:

3 **“§ 70108. Prohibition, suspension, and end of**
 4 **launches, operation of launch sites and**
 5 **reentry sites, and reentries”;**

6 and

7 (B) in subsection (a)—

8 (i) by inserting “or reentry site, or re-
 9 entry of a reentry vehicle,” after “oper-
 10 ation of a launch site”; and

11 (ii) by inserting “or reentry” after
 12 “launch or operation”;

13 (9) in section 70109—

14 (A) by amending the section designation
 15 and heading to read as follows:

16 **“§ 70109. Preemption of scheduled launches or reen-**
 17 **tries”;**

18 (B) in subsection (a)—

19 (i) by inserting “or reentry” after
 20 “ensure that a launch”;

21 (ii) by inserting “, reentry site,” after
 22 “United States Government launch site”;

23 (iii) by inserting “or reentry date
 24 commitment” after “launch date commit-
 25 ment”;

1 (iv) by inserting “or reentry” after
2 “obtained for a launch”;

3 (v) by inserting “, reentry site,” after
4 “access to a launch site”;

5 (vi) by inserting “, or services related
6 to a reentry,” after “amount for launch
7 services”; and

8 (vii) by inserting “or reentry” after
9 “the scheduled launch”; and

10 (C) in subsection (c), by inserting “or re-
11 entry” after “prompt launching”;

12 (10) in section 70110(a)—

13 (A) in paragraph (2), by inserting “or re-
14 entry” after “prevent the launch”; and

15 (B) in paragraph (3)(B), by inserting “or
16 reentry site, or reentry of a reentry vehicle,”
17 after “operation of a launch site”;

18 (11) in section 70111—

19 (A) in subsection (a)—

20 (i) in paragraph (1)—

21 (I) in subparagraph (A), by in-
22 serting “or reentry” after “launch”;
23 and

1 (II) in subparagraph (B), by in-
 2 serting “and reentry services” after
 3 “launch services”; and

4 (III) by inserting after subpara-
 5 graph (B) the following flush sen-
 6 tence:

7 “The Secretary shall coordinate the establishment of cri-
 8 teria and procedures for determining the priority of com-
 9 peting requests from the private sector and State govern-
 10 ments for property and services under this section.”; and

11 (ii) in paragraph (2), by inserting “or
 12 reentry services” after “or launch
 13 services”;

14 (B) in subsection (b)—

15 (i) in paragraph (1), by inserting “or
 16 reentry” after “commercial launch” both
 17 places it appears;

18 (ii) in paragraph (2)(C), by inserting
 19 “or reentry services” after “launch serv-
 20 ices”; and

21 (iii) by adding at the end the follow-
 22 ing:

23 “(3) The Secretary shall ensure the establishment of
 24 uniform guidelines for, and consistent implementation of,
 25 this section by all Federal agencies.”; and

1 (C) in subsection (d)—

2 (i) by striking “or its payload for
3 launch” and inserting “or reentry vehicle,
4 or the payload of either, for launch or re-
5 entry”; and

6 (ii) by inserting “, reentry vehicle,”
7 after “manufacturer of the launch vehicle”;

8 (12) in section 70112—

9 (A) in subsection (a)—

10 (i) in paragraph (1), by inserting
11 “launch, reentry, or site operator” after
12 “(1) When a”;

13 (ii) in paragraph (3), by inserting “or
14 reentry” after “one launch”; and

15 (iii) in paragraph (4), by inserting “or
16 reentry services” after “launch services”;

17 (B) in subsection (b)—

18 (i) in paragraph (1), by inserting
19 “launch, reentry, or site operator” after
20 “A”;

21 (ii) by inserting “or reentry services”
22 after “launch services” each place it ap-
23 pears; and

1 (iii) in paragraphs (1) and (2), by in-
 2 serting “applicable” after “carried out
 3 under the”;

4 (C) in subsection (d)(1), by striking
 5 “Space, and Technology”;

6 (D) in subsection (e)—

7 (i) in the heading, by inserting “OR
 8 REENTRIES” after “LAUNCHES”; and

9 (ii) by inserting “or reentry site or a
 10 reentry” after “launch site”; and

11 (E) in subsection (f), by inserting “launch,
 12 reentry, or site operator” after “carried out
 13 under a”;

14 (13) in section 70113 (a)(1) and (d) (1) and
 15 (2), by inserting “or reentry” after “one launch”
 16 each place it appears;

17 (14) in section 70115(b)(1)(D)(i)—

18 (A) by inserting “reentry site,” after
 19 “launch site,”; and

20 (B) by inserting “or reentry vehicle” after
 21 “launch vehicle” both places it appears;

22 (15) in section 70117—

23 (A) in subsection (a), by inserting “or re-
 24 entry site, or to reenter a reentry vehicle” after
 25 “operate a launch site”;

1 (B) in subsection (d), by inserting “or re-
 2 entry” after “approval of a space launch”;

3 (C) by amending subsection (f) to read as
 4 follows:

5 “(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN
 6 IMPORT.—For purposes of a law controlling exports or im-
 7 ports, a launch vehicle, reentry vehicle, or payload that
 8 is launched or reentered is not, because of the launch or
 9 reentry, an export or import.”; and

10 (D) in subsection (g)—

11 (i) in paragraph (1), by striking “op-
 12 eration of a launch vehicle or launch site,”
 13 and inserting “reentry, operation of a
 14 launch vehicle or reentry vehicle, or oper-
 15 ation of a launch site or reentry site,”; and

16 (ii) in paragraph (2), by inserting “re-
 17 entry,” after “launch,”; and

18 (16) by adding at the end the following:

19 **“§ 70120. Regulations**

20 “Not later than 180 days after the date of enactment
 21 of the Commercial Space Act of 1997, the Secretary of
 22 Transportation shall issue regulations to carry out this
 23 chapter. The regulations issued under this section shall
 24 include—

1 “(1) guidelines for industry to obtain sufficient
2 insurance coverage for potential damages to third
3 parties;

4 “(2) procedures for requesting and obtaining li-
5 censes to operate a commercial launch vehicle and
6 reentry vehicle;

7 “(3) procedures for requesting and obtaining
8 operator licenses for launch and reentry;

9 “(4) procedures for the application of govern-
10 ment indemnification; and

11 “(5) procedures for the application of govern-
12 ment indemnification.

13 **“§ 70121. Report to Congress**

14 “The Secretary of Transportation shall submit to
15 Congress an annual report to accompany the budget re-
16 quest submitted by the President under section 1105(a)
17 of title 31, United States Code, that, for the period cov-
18 ered by the report—

19 “(1) describes all activities undertaken under
20 this chapter, including—

21 “(A) a description of the process for the
22 application for and approval of licenses under
23 this chapter; and

1 “(B) recommendations for legislation that
 2 may further commercial launches and reentries;
 3 and

4 “(2) reviews the performance of the regulatory
 5 activities and the effectiveness of the Office of Com-
 6 mercial Space Transportation.”.

7 (b) **EFFECTIVE DATE.**—The amendments made by
 8 subsection (a)(6)(A)(ii) shall take effect upon the effective
 9 date of final regulations issued pursuant to section
 10 70105(b)(2)(D) of title 49, United States Code, as added
 11 by subsection (a)(6)(B)(ii)(III).

12 **SEC. 103. LAUNCH VOUCHER DEMONSTRATION PROGRAM.**

13 Section 504 of the National Aeronautics and Space
 14 Administration Authorization Act, Fiscal Year 1993 (15
 15 U.S.C. 5803) is amended—

16 (1) in subsection (a)—

17 (A) by striking “the Office of Commercial
 18 Programs within”; and

19 (B) by striking “Such program shall not
 20 be effective after September 30, 1995.”;

21 (2) by striking subsection (c); and

22 (3) by redesignating subsections (d) and (e) as
 23 subsections (c) and (d), respectively.

1 **SEC. 104. PROMOTION OF UNITED STATES GLOBAL POSI-**
2 **TIONING SYSTEM STANDARDS.**

3 (a) FINDING.—The Congress finds that the Global
4 Positioning System, including satellites, signal equipment,
5 ground stations, data links, and associated command and
6 control facilities, has become an essential element in civil,
7 scientific, and military space development because of the
8 emergence of a United States commercial industry which
9 provides Global Positioning System equipment and related
10 services.

11 (b) INTERNATIONAL COOPERATION.—In order to
12 support and sustain the Global Positioning System in a
13 manner that will most effectively contribute to the na-
14 tional security, public safety, scientific, and economic in-
15 terests of the United States, Congress encourages the
16 President to—

17 (1) ensure the operation of the Global Position-
18 ing System on a continuous worldwide basis, free of
19 direct user fees; and

20 (2) enter into international agreements that
21 promote cooperation with foreign governments and
22 international organizations to—

23 (A) establish the Global Positioning Sys-
24 tem and its augmentations as an acceptable
25 international standard; and

1 (B) eliminate any foreign barriers to appli-
2 cations of the Global Positioning System world-
3 wide.

4 **SEC. 105. ACQUISITION OF SPACE SCIENCE DATA.**

5 (a) SPACE SCIENCE DATA DEFINED.—For purposes
6 of this section, the term “space science data” includes sci-
7 entific data concerning the elemental and mineralogical re-
8 sources of the moon, asteroids, planets and their moons,
9 and comets, Earth environmental data obtained through
10 remote sensing observations, and solar storm monitoring.

11 (b) ACQUISITION FROM COMMERCIAL PROVIDERS.—
12 The Administrator shall, to the maximum extent prac-
13 ticable and while satisfying the scientific and educational
14 requirements of the National Aeronautics and Space Ad-
15 ministration, other agencies, and scientific researchers, ac-
16 quire, if cost-effective, space science data from a commer-
17 cial provider.

18 (c) TREATMENT OF SPACE SCIENCE DATA AS COM-
19 MERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions
20 of space science data by the Administrator shall be carried
21 out in accordance with applicable acquisition laws (includ-
22 ing chapters 137 and 140 of title 10, United States Code),
23 except that space science data shall be considered to be
24 a commercial item for purposes of such laws. Nothing in
25 this subsection shall be construed to preclude the United

1 States Government from acquiring sufficient rights in
2 data to meet the needs of the scientific and educational
3 community or the needs of other government activities.

4 (d) SAFETY STANDARDS.—Nothing in this section
5 shall be construed to prohibit the Federal Government
6 from requiring compliance with applicable safety
7 standards.

8 (e) LIMITATION.—This section does not authorize the
9 National Aeronautics and Space Administration to provide
10 financial assistance for the development of commercial
11 systems for the collection of space science data.

12 **SEC. 106. ACQUISITION OF EARTH SCIENCE DATA.**

13 (a) ACQUISITION.—For purposes of meeting goals of
14 the Federal Government for the mission known as the
15 Mission to Planet Earth, the Administrator shall, to the
16 maximum extent practicable and while satisfying the sci-
17 entific requirements of the National Aeronautics and
18 Space Administration, acquire, if cost-effective, space-
19 based and airborne Earth remote sensing data, services,
20 distribution, and applications from a commercial provider.

21 (b) TREATMENT AS COMMERCIAL ITEM UNDER AC-
22 QUISITION LAWS.—Acquisitions by the Administrator of
23 the data, services, distribution, and applications referred
24 to in subsection (a) shall be carried out in accordance with
25 applicable acquisition laws (including chapters 137 and

1 140 of title 10, United States Code), except that such
 2 data, services, distribution, and applications shall be con-
 3 sidered to be commercial items for purposes of such laws
 4 (including section 2306a of title 10, United States Code
 5 (relating to cost or pricing data), section 2320 of such
 6 title (relating to rights in technical data) and section 2321
 7 of such title (relating to validation of proprietary data re-
 8 strictions)).

9 (c) STUDY.—

10 (1) IN GENERAL.—The Administrator shall con-
 11 duct a study to determine—

12 (A) the extent to which the baseline sci-
 13 entific requirements of Mission to Planet Earth
 14 could be met by commercial providers; and

15 (B) how the National Aeronautics and
 16 Space Administration will be able to meet base-
 17 line scientific requirements described in sub-
 18 paragraph (A) that cannot be met by commer-
 19 cial providers.

20 (2) CONTENTS OF STUDY.—In conducting the
 21 study under this subsection, the Administrator
 22 shall—

23 (A) make recommendations to promote the
 24 availability of information from the National
 25 Aeronautics and Space Administration to com-

1 mercial providers to enable commercial provid-
2 ers to better meet the baseline scientific re-
3 quirements of Mission to Planet Earth;

4 (B) make recommendations to promote the
5 dissemination to commercial providers of infor-
6 mation on advanced technology research and
7 development performed by or for the National
8 Aeronautics and Space Administration; and

9 (C) identify policy, regulatory, and legisla-
10 tive barriers to the implementation of the rec-
11 ommendations made under this subsection.

12 (3) REPORT.—Not later than 180 days after
13 the date of enactment of this Act, the Administrator
14 shall prepare, and submit to Congress a report that
15 contains the results of the study conducted under
16 this subsection, including the findings of the Admin-
17 istrator.

18 (d) SAFETY STANDARDS.—Nothing in this section
19 shall be construed to prohibit the Federal Government
20 from requiring compliance with applicable safety
21 standards.

22 (e) ADMINISTRATION AND EXECUTION.—This section
23 shall be carried out as part of the Commercial Remote
24 Sensing Program at the Stennis Space Center of the Na-
25 tional Aeronautics and Space Administration.

1 **TITLE II—FEDERAL ACQUI-**
2 **SION OF SPACE TRANSPOR-**
3 **TATION SERVICES**

4 **SEC. 201. REQUIREMENT TO PROCURE COMMERCIAL**
5 **SPACE TRANSPORTATION SERVICES.**

6 (a) IN GENERAL.—Except as otherwise provided in
7 this section, the Federal Government shall acquire space
8 transportation services from United States commercial
9 providers in any case in which those services are required
10 in the course of the activities of the Federal Government.
11 To the maximum extent practicable, the heads of depart-
12 ments, agencies, and instrumentalities of the Federal Gov-
13 ernment shall plan missions to accommodate the space
14 transportation services capabilities of United States com-
15 mercial providers.

16 (b) EXCEPTIONS.—The Federal Government shall
17 not be required to acquire space transportation services
18 under subsection (a) if, on a case-by-case basis, the Ad-
19 ministrator or, in the case of a national security issue,
20 the Secretary of the Air Force, determines that—

21 (1) a payload requires the unique capabilities of
22 the space shuttle;

23 (2) cost-effective space transportation services
24 that meet specific mission requirements would not be

1 reasonably available from United States commercial
2 providers when required;

3 (3) the use of space transportation services
4 from United States commercial providers poses an
5 unacceptable risk of loss of a unique scientific oppor-
6 tunity;

7 (4) the use of space transportation services
8 from United States commercial providers is incon-
9 sistent with national security objectives;

10 (5) it is more cost-effective to transport a pay-
11 load in conjunction with a test or demonstration of
12 a space transportation vehicle owned by the Federal
13 Government; or

14 (6) with respect to a payload—

15 (A) it is practicable to make use of the
16 available cargo space on an International Space
17 Shuttle mission, to make that payload a second-
18 ary payload; and

19 (B) that payload is consistent with the re-
20 quirements of research, development, dem-
21 onstration, scientific, commercial, and edu-
22 cational programs authorized by the Adminis-
23 trator.

24 (c) DELAYED EFFECT.—Subsection (a) shall not
25 apply to space transportation services and space transpor-

1 tation vehicles acquired or owned by the Federal Govern-
 2 ment before the date of enactment of this Act, or with
 3 respect to which a contract for that acquisition or owner-
 4 ship has been entered into before that date of enactment.

5 (d) HISTORICAL PURPOSES.—This section shall not
 6 be construed to prohibit the Federal Government from ac-
 7 quiring, owning, or maintaining space transportation vehi-
 8 cles solely for historical display purposes.

9 **SEC. 202. ACQUISITION OF SPACE TRANSPORTATION**
 10 **SERVICES.**

11 (a) TREATMENT OF SPACE TRANSPORTATION SERV-
 12 ICES AS COMMERCIAL ITEM UNDER ACQUISITION
 13 LAWS.—Acquisitions of space transportation services by
 14 the Federal Government shall be carried out in accordance
 15 with applicable acquisition laws (including chapters 137
 16 and 140 of title 10, United States Code), except that space
 17 transportation services shall be considered to be a com-
 18 mercial item for purposes of such laws (including section
 19 2306a of title 10, United States Code (relating to cost
 20 or pricing data), section 2320 of such title (relating to
 21 rights in technical data) and section 2321 of such title
 22 (relating to validation of proprietary data restrictions)).

23 (b) SAFETY STANDARDS.—Nothing in this section
 24 shall be construed to prohibit the Federal Government

1 from requiring compliance with applicable safety stand-
 2 ards.

3 **SEC. 203. LAUNCH SERVICES PURCHASE ACT OF 1990**
 4 **AMENDMENTS.**

5 The Launch Services Purchase Act of 1990 (42
 6 U.S.C. 2465b et seq.) is amended—

7 (1) by striking section 202;

8 (2) by redesignating section 203 as section 202;

9 (3) in section 202, as redesignated by para-
 10 graph (2) of this section—

11 (A) by striking paragraphs (1) and (2);

12 and

13 (B) by redesignating paragraphs (3) and

14 (4) as paragraphs (1) and (2), respectively;

15 (4) by striking sections 204 and 205;

16 (5) by redesignating section 206 as section 203;

17 and

18 (6) in section 203, as redesignated by para-

19 graph (5) of this section—

20 (A) by striking “(a) COMMERCIAL PAY-
 21 LOADS ON THE SPACE SHUTTLE.—”; and

22 (B) by striking subsection (b).

1 **SEC. 204. USE OF EXCESS INTERCONTINENTAL BALLISTIC**
2 **MISSILES.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), the Federal Government shall not—

5 (1) convert any missile described in subsection
6 (c) to a space transportation vehicle configuration or
7 otherwise use any such missile to place a payload in
8 space; or

9 (2) transfer ownership of any such missile to
10 another person.

11 (b) AUTHORIZED FEDERAL USES.—

12 (1) IN GENERAL.—A missile described in sub-
13 section (c) may be converted for use as a space
14 transportation vehicle by the Federal Government if,
15 except as provided in paragraph (2), at least 30 days
16 before such conversion the agency seeking to use the
17 missile as a space transportation vehicle transmits to
18 the Committee on National Security and the Com-
19 mittee on Science of the House of Representatives,
20 and to the Committee on Armed Services and the
21 Committee on Commerce, Science, and Transpor-
22 tation of the Senate, a report that contains either—

23 (A) a certification that the use of that mis-
24 sile—

25 (i) would result in cost savings to the
26 Federal Government when compared to the

1 cost of acquiring space transportation serv-
2 ices from United States commercial provid-
3 ers;

4 (ii) meets all mission requirements of
5 the agency, including performance, sched-
6 ule, and risk requirements;

7 (iii) is consistent with international
8 obligations of the United States; and

9 (iv) is approved by the Secretary of
10 Defense or a designee of the Secretary of
11 Defense; or

12 (B) a certification that the payload of such
13 missile—

14 (i) is solely for scientific or edu-
15 cational purposes;

16 (ii) has been validated for scientific or
17 educational merit by the National Aero-
18 nautics and Space Administration or the
19 Department of Defense;

20 (iii) costs less than \$20,000,000; and

21 (iv) is approved by either the Admin-
22 istrator of the National Aeronautics and
23 Space Administration or the Secretary of
24 Defense or a designee of either Secretary.

1 (2) EXCEPTION FOR MEETING NATIONAL SECUR-
 2 RITY REQUIREMENTS.—The requirement under
 3 paragraph (1) that a report described in that para-
 4 graph be transmitted at least 30 days before conver-
 5 sion of a missile shall not apply if the Secretary of
 6 Defense determines that compliance with that re-
 7 quirement would be inconsistent with meeting imme-
 8 diate national security requirements.

9 (3) MAXIMUM NUMBER OF CONVERTED MIS-
 10 SILES.—The number of missiles converted under
 11 paragraph (1)(B) shall be limited to a maximum of
 12 7 each calendar year.

13 (c) MISSILE.—The missiles described in this sub-
 14 section are missiles owned by the United States that—

15 (1) were formerly used by the Department of
 16 Defense for national defense purposes as interconti-
 17 nental ballistic missiles; and

18 (2) have been retired from service in compliance
 19 with international obligations of the United States.

20 **SEC. 205. NATIONAL LAUNCH CAPABILITY.**

21 (a) FINDINGS.—Congress finds that—

22 (1) a robust satellite and launch industry in the
 23 United States serves the interest of the United
 24 States by—

1 (A) contributing to the economy of the
2 United States;

3 (B) strengthening employment, techno-
4 logical, and scientific interests of the United
5 States; and

6 (C) serving the foreign policy and national
7 security interests of the United States;

8 (2) to secure the national interests of the Unit-
9 ed States, it is necessary for the Federal Govern-
10 ment to—

11 (A) nurture a satellite and launch industry
12 that leads that industry in the world; and

13 (B) provide for cost-competitive launch
14 property and launch services for that industry;
15 and

16 (3) it is the responsibility of the Federal Gov-
17 ernment to create domestic and international condi-
18 tions that are favorable to the health and growth of
19 the United States satellite and launch industry.

20 (b) DEFINITIONS.—In this section:

21 (1) SECRETARY.—The term “Secretary” means
22 the Secretary of Defense.

23 (2) TOTAL POTENTIAL NATIONAL MISSION
24 MODEL.—The term “total potential national mission
25 model” means a model that—

1 (A) is determined by the Secretary, in con-
 2 sultation with the Administrator, to assess the
 3 total potential space missions to be conducted
 4 by the United States during a specified period
 5 of time; and

6 (B) includes all United States launches
 7 (including launches conducted on or off a Fed-
 8 eral range).

9 (c) REPORT.—

10 (1) IN GENERAL.—Not later than 180 days
 11 after the date of enactment of this Act, the Sec-
 12 retary shall, in consultation with the Administrator
 13 and appropriate representatives of the satellite and
 14 launch industry and the governments of States and
 15 political subdivisions thereof—

16 (A) prepare a report that meets the re-
 17 quirements of this subsection; and

18 (B) submit that report to the Committee
 19 on Commerce, Science, and Transportation of
 20 the Senate and the Committee on Science of the
 21 House of Representatives.

22 (2) REQUIREMENTS FOR REPORT.—The report
 23 prepared under this section shall—

24 (A) identify the total potential national
 25 mission model for the period beginning on the

1 date of the report and ending on December 31,
2 2007;

3 (B) identify the resources that are nec-
4 essary to carry out the total potential national
5 mission model described in subparagraph (A),
6 including providing for—

7 (i) launch property and services of the
8 Department of Defense; and

9 (ii) the ability to support a launch
10 within 6 hours after the appropriate offi-
11 cial of the Federal Government receives
12 notification by telephone at Government
13 facilities located at—

14 (I) Cape Canaveral in Florida; or

15 (II) Vandenberg Air Force Base
16 in California;

17 (C) identify each deficiency in the re-
18 sources referred to in subparagraph (B);

19 (D) with respect to the deficiencies identi-
20 fied under subparagraph (C), including esti-
21 mates of the level of funding necessary to ad-
22 dress those deficiencies for the period described
23 in subparagraph (A);

24 (E) identify opportunities for investment
25 by non-Federal entities (including States and

1 political subdivisions thereof and private sector
2 entities) to assist the Federal Government in
3 providing launch capabilities for the commercial
4 space industry in the United States;

5 (F) identify 1 or more methods by which,
6 if sufficient resources referred to in subpara-
7 graph (D) are not available to the Department
8 of Defense, the control of the launch property
9 and launch services of the Department of De-
10 fense may be transferred from the Department
11 of Defense to—

12 (i) 1 or more other Federal agencies;

13 (ii) 1 or more States (or political sub-
14 divisions thereof);

15 (iii) 1 or more private sector entities;

16 or

17 (iv) any combination of the entities
18 described in clauses (i) through (iii); and

19 (G) identify the technical, structural, and
20 legal impediments associated with making
21 launch sites in the United States cost-competi-
22 tive on an international level.

1 **SEC. 206. ADMINISTRATION OF COMMERCIAL SPACE CEN-**
2 **TERS.**

3 The Administrator shall coordinate and administer
4 the Commercial Space Center program from the head-
5 quarters of the National Aeronautics and Space Adminis-
6 tration in Washington, D.C.

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